

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 LAWRENCE EARL,

5 Plaintiff,

6 v.

7 CITY OF LAS VEGAS DETENTION  
8 CENTER, *et al.*,

9 Defendants.

Case No.: 2:19-cv-01463-JAD-EJY

**AMENDED ORDER**

10 On October 21, 2019, this Court entered an Order granting Plaintiff's *in forma pauperis*  
11 application, screening Plaintiff's Complaint, ordering claims against the City of Las Vegas, the Las  
12 Vegas Metropolitan Police Department, and John Doe LVMPD officers, in their official capacities,  
13 DISMISSED without prejudice with leave to amend. The Court further ordered that Plaintiff's  
14 claims for money damages against the John Doe LVMPD officers, in their individual capacities, for  
15 violation of Plaintiff's Fourth Amendment rights based on an alleged unreasonable seizure of his  
16 person, the unreasonable search of his home, and his unreasonable arrest to proceed.

17 The Court further ordered LVMPD to enter a limited notice of appearance for the sole  
18 purpose of providing responses to pre-service discovery directed solely at the identities of the John  
19 Doe officers involved in the stop, searches, and arrest described above, within 15 days of the date of  
20 the date of the October Order. No appearance by LVMPD has occurred as of this date.

21 Therefore,

22 IT IS HEREBY ORDER that

23 • The **Clerk of Court** is directed to:

- 24 ○ Issue a summons for Defendants LVMPD and deliver it to the U.S. Marshal  
25 for service;
- 26 ○ Send to Plaintiff one USM-285 form together with a copy of this Amended  
27 Order for his records;
- 28 ○ Send a copy of Plaintiff's Complaint (ECF No. 1-1) and a copy of this order  
to the U.S. Marshal for service on the LVMPD.

1 IT IS FURTHER ORDERED that Plaintiff has **until December 20, 2019, to send to the**  
2 **U.S. Marshal the completed USM-285 form with the relevant information as to LVMPD.**

3 IT IS FURTHER ORDERED that the U.S. Marshal **shall** attempt to effect service **within**  
4 **fifteen (15) days of the date he receives Plaintiff's USM-285.**

5 IT IS FURTHER ORDERED that Plaintiff shall have **20 days** from the date the U.S.  
6 Marshall returns to Plaintiff a copy of the USM-285 forms, showing whether service has been  
7 accomplished on LVMPD, to file a notice with the Court stating whether LVMPD was served. If  
8 service on LVMPD did not occur and Plaintiff wishes to have service attempted on LVMPD again,  
9 Plaintiff must file a motion that specifies that desire and, to the extent available, more-detailed  
10 information for LVMPD, and details the manner of service that should be attempted.

11 IT IS FURTHER ORDERED that Plaintiff must send a request for identities of the John Doe  
12 officers to the LVMPD within **45 days** of the date upon which the LVMPD is served.

13 IT IS FURTHER ORDERED that if Plaintiff chooses to do so, he shall file an amended  
14 complaint within 30 days of receipt of the identities of the John Doe Defendants replacing John Doe  
15 with the names provided. To the extent Plaintiff believes additional unidentified John Doe  
16 defendants remain unnamed, Plaintiff may continue to plead against such individuals as John Doe.  
17 Plaintiff is further permitted to amend his Complaint to attempt to assert claims dismissed without  
18 prejudice.

19 IT IS FURTHER ORDERED that if Plaintiff fails to file an amended complaint identifying  
20 the John Doe Defendants or otherwise amending his Complaint to state a claim as directed above,  
21 this matter may be dismissed by the Court.

22 DATED THIS 18th day of November, 2019.

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24   
25 ELAYNA J. YOUCHAK  
26 UNITED STATES MAGISTRATE JUDGE  
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